



**TRAINING / SPECIAL MEETING  
MINUTES OF ACTIONS  
Wednesday, March 13, 2012  
Art Pick Council Chambers  
3900 Main Street, Riverside, CA**

**5:30 PM – TRAINING / SPECIAL MEETING (OPEN SESSION)**

**PLEDGE OF ALLEGIANCE**

**Roll Call**

Rotker	Smith	Johnson	VACANT	Ortiz	Jackson	Roberts	Maciel	Adams
✓	✓	✓	X	B	✓	✓	✓	✓

✓ = Present    **B** = Absent / Business    **S** = Absent / Sick    **V** = Absent / Vacation    **O** = Absent / Other  
**UE** = Absent / Unexcused    **L** = Late    **LE** = Left Early    **■** = Vacant

**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

**CPRC 2013 Officer Elections**

Annual election of CPRC Chair and Vice-Chair.

Chairwoman Roberts asked Mr. Hauptmann if he had received any other nominations. He said he had not. She reminded Commissioners that she had been nominated for Chair by Vice-Chair Jackson, which she had accepted, and that she had nominated Vice-Chair Jackson to continue in her current position, which Vice-Chair Jackson also accepted.

Ms. Sherron called for the vote for Dale Roberts as Chair:

Rotker	Smith	Johnson	VACANT	Ortiz	Jackson	Roberts	Maciel	Adams
Y	Y	Y	X	Absent	Y	Y	Y	Y

Dale Roberts was unanimously elected as CPRC Chair by those Commissioners present.

Ms. Sherron then called for the vote for Robin Jackson as Vice-Chair:

Rotker	Smith	Johnson	VACANT	Ortiz	Jackson	Roberts	Maciel	Adams
Y	Y	Y	X	Absent	Y	Y	Y	Y

Robin Jackson was unanimously elected as CPRC Vice-Chair by those Commissioners present.

Chairwoman Roberts also asked Commissioner Adams if she would be willing to accept the position of Outreach Coordinator, which Commissioner Adams accepted.

### **Public Comments**

Public comment on any subject matter within the Commission's jurisdiction.

There were no public comments.

### **RPOA Commentary**

Sgt. Brian Smith, President of the Riverside Police Officers' Association (RPOA)

Mr. Hauptmann said that Sgt. Smith was unable to make the meeting due to his current involvement with a case, but that Sgt. Smith would attend a future Commission meeting.

### **RPD Briefing**

Preliminary briefing on the officer-involved death of Lorenzo J. Ciaramella on February 25, 2013

Asst. Chief Chris Vicino began by thanking the Commission for its support following the death of Officer Crain and the injury of Officer Tachias. He said the thoughtfulness and sincerity was greatly appreciated by the Department.

Asst. Chief Chris Vicino briefed the Commission on the Ciaramella incident. (The audio, along with the slide show presentations, are available on the CPRC website.)

Questions were asked of Asst. Chief Vicino regarding the incident.

Commissioner Rotker:

- Was the suspect driving in reverse when he rammed the patrol car?
  - No.
- Did the suspect broadside the patrol car?
  - He hit the driver's side door.
- Could the suspect have driven around the patrol car rather than ram into it?
  - Yes. There was room for him to drive around it.
- Did the officers fire their weapons before or after their car was hit?
  - It is difficult to tell, but the times are very close.
- Were the officers in a position of cover?
  - One was.
- What was the total number of rounds fired?
  - 12. The suspect was hit by five.

### **Training by RPD Lt. Bruce Loftus**

- A)** RPD's Training on the use of Mobile Data Terminals (MDTs), the Field Training Officer (FTO) Process, and Multi-Tasking by Officers
- B)** Questions and Answers pertaining to current "In Process" OID case evaluations

Mr. Hauptmann advised that Lt. Loftus would not be doing the training due to a miscommunication between himself and Lt. Loftus. He noted that a patrol car was at City Hall and that Officer Anderson would answer any questions the Commissioners had regarding an officer's operation of the MDC and other equipment in the patrol car.

At approximately 5:50 PM, Commissioners left the Council Chambers to learn about the operation of the equipment in the patrol car. They returned to the Council Chambers at 6:41 PM.

Commissioner Adams said she would like to know why other police departments don't want their officers to use the MDC while they drive.

Paul Chavez said that after seeing the patrol car, he can understand why other departments don't allow their officers to use the MDC while driving and that he hopes RPD will do the same.

Don Gallegos said that public service agencies should be held accountable. He said the current policy is dangerous to officers and residents alike and that this policy needs to be changed.

## **Officer-Involved Death (OID) Case Evaluations**

### **A) Continue Pablo OID Case Evaluation**

#### **1) "Q & A" of Mr. Steven J. Bellino regarding his report**

Vice-Chair Jackson:

- CVC 21954B states that a driver should exercise due care for the safety of any pedestrian on a roadway, so why isn't the officer being held accountable in some way?
  - Did the officer have the opportunity to avoid the collision? He did not. He had 1.86 seconds to perceive and react to the hazard before applying the brakes. The patrol car was 127' from Ms. Pablo when she stepped into the street. The collision was impossible to avoid. The officer didn't have an opportunity to do anything different. He wasn't looking at his computer. If he'd been looking at the computer, he wouldn't have had time to apply the brakes, but would have hit Ms. Pablo and dragged her down the street. The last thing the officer remembered doing prior to the collision was looking at his MDC, but the video indicates that this was not the case.
- There is a difference in the speeds reported by you and RPD.
  - GPS has it at 41 mph; video has it at 32 mph; the calculations of a thrown body indicate a speed between 29 and 35 mph.
- The report says 40 mph. Trying to understand the difference.
  - GPS systems are good, but only give you a range. The high range was 42 and the low was 29. The best estimate is the video camera which allows for calculations in milliseconds.

Commissioner Rotker:

- Could a slower speed have resulted in injury only?
  - If the officer had been going 35, he would have struck her at 32. Even if he had been going 15 mph, there would have been serious injuries.
- So 25 mph could have been fatal?
  - Definitely.

Chairwoman Roberts:

- Commissioner Joe Ortiz had questions regarding at what rate of speed could the officer have been travelling in order to prevent hitting Ms. Pablo. Several of us recalled 28 – 31 mph and can you verify that?
  - Cannot recall but can do the calculation. We have 1.8 seconds. I can only give you the average person's perception / reaction time. With 1.8 seconds, he would have to be going approximately 10 mph to avoid the collision. That's the time element. If we look at a distance element of 99', it would be a speed of about 29 to 30 mph, so you are correct.

Commissioner Johnson:

- Do you feel RPD's policy covers officer safety?
  - Can't speak for RPD. "When practical to do so" is very subjective as to when the MDC should be used. What should be considered are the consequences of using it opposed to not using it. It's a trade-off.
- Should the impractical aspect be spelled out?
  - My position is that it would be best if we always looked straight ahead. It would be better if there weren't so many necessary distractions, but it's not practical.
- There comes a time when things have to be updated to meet the current circumstances.

Commissioner Rotker said that the expert has told the Commission that this isn't a case where the officer was looking at his MDC and caused an accident. Commissioner Rotker also said that talking about policies is not germane to the case. While the officer said he was looking at his MDC, Mr. Bellino has said the officer could not have been and that use of the MDC played no part in this accident.

Commissioner Johnson noted that the Commission is here to make policy recommendations for the future safety of officers and the city; this case could be dismissed or a recommendation made for the future.

Commissioner Adams expressed her concern about the partial message on the officer's MDC. She said she agreed that it didn't impact the incident, but also agreed with Commissioner Johnson. She said she doesn't think there is a need for officers to be on the MDC for personal reasons and that it bears being addressed.

Commissioner Smith agreed with Commissioner Adams. Because the statement was made by the officer and the community has been talking about it, it is important for the Commission to discuss it even though discussion does not mean a recommendation will be made.

Commissioner Rotker agreed that there must be discussion, but that he didn't see why a policy recommendation would need to be made.

Chairwoman Roberts said it is understood that the officer was not looking at his MDC. She said that the Commission needs more information for discussion as it is not certain that there have been no accidents as a result of someone using their laptop.

Paul Chavez disagreed with Mr. Bellino saying that if the officer had been driving at the proper speed, Ms. Pablo might not have died.

Don Gallegos said that the only person who knows whether the officer looked at the MDC is the officer and God. He said the truth about the incident is still unknown and that there needs to be a focus on why other departments do not allow their officers to use their MDCs while driving.

Commissioner Rotker clarified a previous comment saying that it is not his personal opinion, but the expert's opinion that the officer was not looking at his MDC.

## **B) Continue Romo OID Case Evaluation**

Chairwoman Roberts said that this case due would not be discussed due to the late time.

## **Letter of Commendation**

Discussion and action, if any, to approve the Letter of Commendation regarding Officer Zach Fishell.

Commissioner Johnson recommended corrections in the last paragraph: "actions" to "action" and "are" changed to "is". He also recommended that "Valor" not be capitalized.

Chairwoman Roberts said she felt "Valor" should remain as is.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Approve the Letter of Commendation For Officer Zach Fishell	Smith	Rotker	Rotker Smith Johnson Jackson Maciel Roberts Adams	0	0

## **2012 Annual Report**

Discussion and action, if any, regarding Draft No. 3 of the 2012 Annual Report

Committee Chair Smith noted that were a few additional corrections / additions still needed. Mr. Hauptmann said he would put something together for the 'Trends & Patterns', addressing the decrease in complaints, but the increase in OIDs. He said that the decrease in complaints could be due to the change in how Riverside is being policed. He also noted that Commission outreach is greater than it was in the past.

Committee Chair Smith suggested that the section be renamed. Commissioner Adams suggested that it be titled 'Historic Analysis' noting that there is really no way to determine why things have changed.

Vice-Chair Jackson said she wants to read it before giving the section a new title.

## **Revisions to CPRC By-Laws: Second Reading**

Discussion and action, if any, on the document-wide revisions to the CPRC By-Laws (attached).

<b>Motion for Approval</b>	<b>Motion</b>	<b>Second</b>	<b>Approve</b>	<b>Oppose</b>	<b>Abstain</b>
Approved the document-wide revisions to the CPRC By-Laws.	Rotker	Jackson	<b>Unanimous</b>	0	0

## **Noting of Questions & Answers in CPRC Minutes**

Discussion and action, if any, on the method by which commissioner questions and a presenter's answers should be noted in the CPRC Minutes:

- A)** A section for each commissioner noting the questions asked and the presenter's response;
- B)** No division by commissioner. All questions and answers are noted in the strict chronological order in which they were asked; or
- C)** Other suggestions.

Commissioner Rotker said that if minutes are going to tell the story of a meeting, comments should be in chronological order. Commissioner Johnson agreed.

Commissioner Maciel said she thought the minutes were easy to read and understandable. She didn't think the procedure needed to be changed.

Chairwoman Roberts noted that the change would pertain only to questions and answers by a commissioner and presenter.

<b>Motion for Approval</b>	<b>Motion</b>	<b>Second</b>	<b>Approve</b>	<b>Oppose</b>	<b>Abstain</b>
That the minutes show all questions and answers in the strict chronological order in which they were asked	Rotker	Jackson	<b>Unanimous</b>	0	0

## **Staff Report**

Mr. Hauptmann advised the Commission that Lt. Loftus, and the Asst. DA who worked on the Pablo case, would be at the next meeting.

### **Commission Member Comments**

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Adams said she would be attending the Senior Conference at the Goeske Center on March 27.

Commissioner Johnson informed the Commission that, due to personal concerns, his last day with the CPRC would be March 31.

Commissioner Rotker said he was very surprised when he heard of Commissioner Johnson's resignation and that he had done an outstanding job for Commission outreach. He also congratulated Commissioners Roberts and Jackson on their re-election as Chair and Vice-Chair respectively.

### **Items for Future Commission Consideration**

Chairwoman Roberts advised that she, along with Vice-Chair Jackson and CPRC Staff would be taken on a City site tour for the NACOLE RFP.

Mr. Hauptmann noted that this is an exciting opportunity for the City and Commission. He said that if anyone has any ideas regarding participants or sponsors, to please let him know.

Commissioner Smith suggested that restaurants do something similar to a "Taste of Detroit" or "Taste of Chicago".

Chairwoman Roberts asked commissioners to be prepared to discuss the Romo OID. Mr. Hauptmann also advised that redacted notes in the criminal report would be seen in the Administrative report.

Vice-Chair Jackson asked for information regarding Commissioner Johnson's request about what constitutes a barricaded individual.

Chairwoman Roberts asked if there was anything else before meeting end.

Commissioner Adams asked where Commissioners should be in their review of the OIDs. Mr. Hauptmann said they were at Stage 2 on both cases.

Vice-Chair Jackson asked about Commissioner Johnson's video regarding Pablo and Commissioner Rotker's question about the note in the Romo case.

Mr. Hauptmann said that the note was evidentiary, possibly referencing a minor, and would be available in the Administrative report. He also noted that Lt. Loftus would address Commissioner Johnson's question about barricaded individuals and that the video would go online tomorrow.

Commissioner Rotker said he did not agree with the redaction of the note. Mr. Hauptmann said that Asst. Chief Vicino would be at the next meeting and suggested the question be posed to him then. Mr. Hauptmann also asked that consideration be given as to whether what was written in the note affected the officers' need to use deadly force.

Commissioner Rotker said that the note would speak to Mr. Romo's state of mind and believes he is being denied the proof of this even though it will have no bearing on the final decision as to whether or not the officers' actions were within policy.

Chairwoman Roberts said she recalled being told that the note had been archived and that the information on the note had been written down, but are now being told something different.

Mr. Hauptmann said that the note was booked into evidence and was not retained as a copy included with the report. Sometimes agencies will make copies of items of this nature.

Chairwoman Roberts said that it is now apparent that what was in the note was not written down. She also noted that for some it may not be important information when making their decision, but that it could be important to others.

### **Adjournment**

The Commission adjourned at 8:32 PM.

Respectfully submitted,

  
PHOEBE SHERRON  
Sr. Office Specialist